

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RICHARD REES, et.al,

Plaintiff,

vs.

SOUZA'S MILK TRANSPORTATION,
CO., et al.,

Defendants.

CASE NO. CV-F-05-00297 AWI LJO

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (Doc. 30)**

On March 22, 2006, the Magistrate Judge to whom this class action has been assigned issued findings and recommendations that the plaintiffs' Motion to Certify Class Action be GRANTED under 29 U.S.C. §216(b) and Federal Rule of Civil Procedure 23. The Magistrate's findings and recommendations recommended that the collective and class be certified as follows:

Collective action for violation of the Fair Labor Standards Act:

"All persons who are now employed or have been employed by defendant in the State of California who, on or after February 28, 2002, to the time of trial, have worked as a truck driver hauling dairy products from processing plants to warehouses or retail establishments solely within the State of California and have worked in excess of forty (40) hours per week without being paid overtime compensation by Souza for those excess hours."

Class action for violation of California's Unfair Competition Law:

"All persons who are now employed or have been employed by defendant in the State of California who, on or after February 28, 2001 to the time of trial, have worked as a truck driver hauling dairy products from

1 processing plants to warehouses or retail establishments solely within the
2 State of California and have worked in excess of forty (40) hours per
3 week without being paid overtime compensation by defendants for those
excess hours.”

4 The Magistrate Judge also recommended appointing Jerry Budin, of the Law Office of Jerry Budin, as
5 class counsel.

6 On March 22, 2006, the Magistrate Judge filed findings and recommendations herein which were
7 served on the parties and which contained notice that any objections to the findings and
8 recommendations were to be filed within twenty days of the date of service thereof. The parties have
9 not filed any objections to the findings and recommendations.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), Fed.R.Civ.P. 72(b) and Local
11 Rule 73-304, this court has conducted a de novo review of this case. Having carefully reviewed the
12 entire file, the Court finds the findings and recommendations to be supported by the record and by the
13 Magistrate Judge's analysis.

14 Accordingly, the Court HEREBY ORDERS that the findings and recommendations, filed March
15 22, 2006 (Doc. 30), are ADOPTED IN FULL.

16
17 IT IS SO ORDERED.

18 **Dated: April 23, 2006**
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE